

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NAOMI CASTILLO-RAMIREZ,

No. C-09-5938 EMC

Plaintiff,

v.

COUNTY OF SONOMA, and DOES 1 to
100, INCLUSIVE,

Defendants.

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S EX
PARTE MOTION FOR EXTENSION OF
STAY**

(Docket No. 75)

Plaintiff Naomi Castillo-Ramirez, acting through her next friend or guardian ad litem Maricela Ramirez, has moved the Court to extend the stay in this case for an undefined period of time. For the reasons discussed below, the request for relief is **GRANTED** in part and **DENIED** in part.

Previously, the Court issued an order staying the case until November 13, 2010, so that Plaintiff Naomi Castillo-Ramirez could find a lawyer to represent her and have that lawyer make an appearance in the case. The Court warned Plaintiff that a failure to have an attorney make an appearance could lead to dismissal. *See* Docket No. 73 (order).

Plaintiff is now asking for an extension of the stay. There is no indication that Plaintiff is asking for an extension so that she will have additional time to find an attorney to represent her. Rather, Plaintiff's sole contention is that an extension of the stay should be granted because it would be unfair for the Court to dismiss her case.

The Court rejects Plaintiff's argument. Regardless of the merits of Plaintiff's case, the bottom line is that "a parent or guardian cannot bring an action on behalf of a minor child without

1 retaining a lawyer.” *Johns v. County of San Diego*, 114 F.3d 874, 877 (9th Cir. 1997). If Plaintiff
2 ultimately cannot find a lawyer, then her case must be dismissed.


3 In the interest of justice, however, the Court shall give Plaintiff one final opportunity to find
4 counsel to represent her. Plaintiff shall have until December 31, 2010, to retain counsel *and* to have
5 that counsel make an appearance in this case. **Plaintiff is forewarned that a failure to comply**
6 **with this order shall result in a dismissal with prejudice.**

7 As a final point, the Court notes that -- although not entirely clear -- Plaintiff seems to be
8 asking the Court to lift the stay in part. More specifically, Plaintiff asks the Court to lift the stay in
9 order to issue an order compelling (1) an independent investigation into the death of her father; (2)
10 an amended autopsy report; and (3) an amended death investigation report. This request for relief is
11 denied. This request is premature because Plaintiff has no attorney representing her and because the
12 pleadings in this case have not yet been settled. *See* Docket No. 42 (Order at 2) (stating that “the
13 request for relief [*i.e.*, for a second autopsy and an independent investigation] is premature given
14 that the pleadings have not yet been settled”).

15 This order disposes of Docket No. 75.

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17 IT IS SO ORDERED.

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19 Dated: October 25, 2010

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21 EDWARD M. CHEN
22 United States Magistrate Judge
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NAOMI CASTILLO-RAMIREZ,

No. C-09-5938 EMC

Plaintiff,

v.

CERTIFICATE OF SERVICE

COUNTY OF SONOMA, and DOES 1 to
100, INCLUSIVE,

Defendants.

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

Naomi Castillo-Ramirez
2113 W. Steele Lane
Santa Rosa, CA 95403
707-568-0348
PRO SE

Maricela Ramirez
2113 W. Steele Lane
Santa Rosa, CA 95403
PRO SE

Dated: October 25, 2010

RICHARD W. WIEKING, CLERK

By: /s/ Leni Doyle
Leni Doyle
Deputy Clerk